

Cagle, Freddie v. National Indemnity Company of the South

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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF GEORGIA

3 GAINESVILLE DIVISION

4 CASE NO.: 2:23-cv-140-RWS

5 FREDDIE CAGLE,

6 Plaintiff,

7 -vs-

8 NATIONAL INDEMNITY
9 COMPANY OF THE SOUTH and
10 OLD REPUBLIC INSURANCE
COMPANY,

Defendants.

-----/

11 DEPOSITION OF: YADIEL CORDERO

12 DATE: Thursday, June 6, 2024

13 TIME: 1:00 p.m. - 3:47 p.m.

14 PLACE: DIEGUEZ & ASSOCIATES, PLLC
15 7950 NW 155 Street
16 Suite 207
17 Miami Lakes, Florida 33016
18
19

20 STENOGRAPHICALLY

21 REPORTED BY: VANESSA OBAS, RPR
22
23
24
25

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1 Q. So can you state your full name?

2 A. Yes. My name is Yadiel Calzada Cordero.

3 Q. Okay. And what's your present address?

4 A. 16213 Northwest 84th Place, Miami Lakes,
5 Florida 33016.

6 Q. Okay. How long have you lived there?

7 A. Since 2020.

8 Q. Okay. And it's my understanding that you live
9 with your mother. Is that still --

10 A. That is correct, yes.

11 Q. Okay. Are you currently employed?

12 A. I am.

13 Q. Are you employed anywhere other than with One
14 Way?

15 A. No.

16 Q. Who else works with One Way?

17 A. No, just me. Me and my dad.

18 Q. Just you?

19 A. Yes.

20 Q. And Ariel is still --

21 A. Is my father, yes.

22 Q. Have you worked with any other trucking company
23 besides One Way?

24 A. No.

25 Q. When did you begin working for One Way?

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1 Q. Were you at all involved in setting up One Way?

2 A. In setting up? No. No.

3 Q. I'm presuming that means you were not at all
4 involved in setting up any of the other companies that I
5 previously listed?

6 A. No. No.

7 Q. Okay. What were your responsibilities in 2019
8 with One Way?

9 A. Really just -- just help, you know, whatever my
10 dad needed help with. He's not very fluent in English,
11 so, you know, that's what I'll be there for. Then, you
12 know, obviously, I learned English and I'll help him
13 out.

14 Q. Were you involved with dispatch in 2019?

15 A. Yes, it was just help. So if you need it, I'll
16 be there, yeah. So yes.

17 Q. In 2019, did you deal with insurance? Did you
18 help with the insurance?

19 A. No, not really. Not really, no.

20 Q. Now do you deal with dispatch?

21 A. With dispatch, yeah.

22 Q. Now do you deal with insurance?

23 A. With insurance, I do, but it's -- you know, my
24 dad is the one that takes care of those stuff.

25 Q. In 2019 or now, were you involved -- or are you

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1 involved in accident investigations for any of the
2 trucks for One Way?

3 A. No. No.

4 Q. In 2019 or now, did you help deal with driver
5 qualifications?

6 A. No.

7 Q. In 2019 or now, did you or do you help with
8 brokering loads?

9 A. Yes.

10 Q. In 2019 or now, did you or do you help with
11 acquiring loads?

12 A. With acquiring loads, yes.

13 Q. And when you say, "yes," is that for both 2019
14 and now or just now?

15 A. 2019 and now. 2019, it was more so help when
16 it was -- when it was needed from me. But now it's
17 just -- it will be just me. I'll be the person you have
18 to talk with about any loads or anything like that.

19 Q. Okay.

20 A. Yeah.

21 Q. In 2019 and/or now, do you decide what driver
22 takes what load?

23 A. It just does depend. But it's more so, you
24 know, dad just tells me, you know, what driver gets the
25 load. So that's the way we go about it.

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1 Q. So typically your father will tell you, and you
2 may help make that happen. You don't ever choose the
3 driver on your own?

4 A. No. No, I don't.

5 Q. Do you determine what operating authority the
6 loads go under?

7 A. No. And in all operating -- it goes under One
8 Way.

9 Q. How do you convey the load information to the
10 drivers?

11 A. So I would just send them a text with -- with
12 their information or the brokers would, you know, send
13 it to the drivers so I wouldn't have -- I don't have to,
14 you know, send it to the drivers. But most of the time
15 when we meet, you know, sending that information to the
16 drivers.

17 Q. Do you keep these texts?

18 A. Yes. Yeah. Uh-huh.

19 Q. Do you keep them anywhere other than on your
20 cell phone?

21 A. No. No. Only my cell phone.

22 Q. Can I have your cell phone number?

23 A. Yeah. (305) 479-5479.

24 Q. Do you provide the truckers with the bill of
25 lading?

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1 MS. DEMASI: Sorry. What was the answer to
2 that question?

3 MR. ELLIS: He doesn't remember.

4 MR. BRANTLEY: He doesn't know. "I don't
5 remember."

6 MR. ELLIS: Thank you. Yeah.

7 MR. DIEGUEZ: You didn't say "slash." It
8 doesn't really mean the same thing.

9 BY MS. FIELDS:

10 Q. Okay. Let's move on. And from what I
11 understand, you don't remember much about this accident
12 or know much about it.

13 A. Nope.

14 Q. But I just want to check generally to see.

15 For this load that was being transported on
16 July 16, 2019, at the time of this accident, do you know
17 how Mr. Loyola came to be the driver of this load?

18 A. It was probably assigned by my dad.

19 Q. Okay. Do you know how the load being carried
20 on July 16th, 2019, was offered to the motor carrier?

21 A. Which motor carrier? Oh, it would be One Way?

22 Q. It would be -- on the accident report, it says
23 that First Time Transport was the commercial motor
24 carrier.

25 Do you have a reason to believe that it was not

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1 First Time Transport?

2 A. I don't remember.

3 Q. Okay. More generally --

4 A. Yes.

5 Q. -- and now with what you do with One Way --

6 A. Uh-huh.

7 Q. -- how does a load get offered to One Way as
8 the motor carrier?

9 A. So I'll book the load. You know, if my dad
10 told me, "hey, he needs the load," I'll book the load if
11 he needs it from me. And then, you know, he will take
12 care of that and to, you know, what driver he gives the
13 load to. That's about it.

14 Q. Okay. Do you know how your father decides who
15 drives these loads?

16 A. No.

17 Q. Do you know how it's decided what truck the
18 drivers will drive?

19 A. No.

20 Q. Do you know what documents are retained that
21 relate to any of these previous questions such as who
22 drives, what truck they drive, so on and so forth?

23 A. No.

24 Q. When you say, "no," does that mean you don't
25 know if there are documents, or there are no documents?

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1 A. There are no documents that I -- that I give,
2 so --

3 Q. Do you know if your father has documents
4 relating to that?

5 A. I don't think so, no.

6 Q. At the time of this accident on July 16th,
7 2019, do you know who was on this trip with Mr. Loyola?

8 A. I don't remember, no.

9 Q. Do you know who contacted Mr. Loyola regarding
10 this delivery?

11 A. No. No, I don't.

12 Q. You don't recall if you texted him and let him
13 know that he would be the one driving this load?

14 A. No. No, it wasn't me.

15 Q. It was not you?

16 A. No.

17 Q. Okay. Do you know who it would have been?

18 A. Probably my dad. My father.

19 Q. Did your father handle all dispatch in 2019 at
20 the time of this accident?

21 A. Most of it. But I -- like I said, I was help
22 when he needed it.

23 Q. Was there anyone else helping him at the time
24 of this accident?

25 A. No. Not at the moment, no. No.

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1 MS. FIELDS: I think -- can I take a few
2 minutes to look over my notes and then --

3 MR. ELLIS: Absolutely.

4 THE VIDEOGRAPHER: The time on the monitor is
5 2:16 p.m. We're going off the record.

6 (Thereupon, a recess was taken, after which the
7 proceedings continued as follows:)

8 THE VIDEOGRAPHER: The time on the monitor is
9 2:26 p.m., and we're back on the record.

10 BY MS. FIELDS:

11 Q. Okay. Earlier I had asked you about the
12 documents when there's a delivery of these loads, and
13 you had mentioned two potential documents, the bill of
14 lading and then you mentioned a delivery document.

15 Is that delivery document a separate document
16 from the bill of lading, or is that just the bill of
17 lading that's been signed off on?

18 A. I'm sorry. So it's only one document.

19 Q. Okay.

20 A. And then that's the one on the -- so when they
21 received the load, they sign it as proof of delivery.
22 So it's one document.

23 Q. Going back again, you said you deal with
24 booking the loads now.

25 A. Uh-huh.

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1 Q. When you book a load, how do you do that? Is
2 that through a website?

3 A. Yeah, through a website. Uh-huh.

4 Q. What website?

5 A. DAT.

6 Q. DAT?

7 A. Correct.

8 Q. In 2019, would that be the same?

9 A. Yeah, because when I would do it in 2019, I
10 would send over the password, you know, and all the
11 information. And it has always been DAT since -- since
12 I started helping.

13 Q. Okay. I want to look one more time at this
14 photograph that I handed you.

15 A. Uh-huh.

16 Q. Does this logo right here -- do you have any
17 familiarity with it whatsoever?

18 A. No.

19 Q. You don't recognize that at all?

20 A. No.

21 Q. When did you learn of this accident?

22 A. The exact day, I don't -- I don't remember.

23 But my dad just -- he was just talking to me on the
24 phone and he -- you know, he told me about it.

25 Q. Do you recall if it was soon after the accident

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1 (Defendants' Exhibit Number 18, 2023 Tax
2 Returns for One Way Hauling, was marked for
3 Identification.)

4 BY MR. ELLIS:

5 Q. And, then, I think these are the 2023 we marked
6 as Number 18.

7 A. Okay.

8 Q. Okay. Again, those are the records that you
9 went and found and sent to your attorney?

10 A. Correct.

11 Q. And these are the complete tax returns for
12 2023?

13 A. Correct.

14 Q. Awesome.

15 I want to go back to the 2019 tax records.

16 But before I do, you're the current president
17 of One Way Hauling?

18 A. Correct.

19 Q. And when did you take that title?

20 A. I took the title after my parents split up.

21 Q. Split? That would have been 2023?

22 A. Yeah.

23 Q. Okay. So from 2023 forward, would you be the
24 person most knowledgeable about the workings of One Way
25 transportation?

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1 transportation of goods?

2 A. Correct.

3 Q. And people would pay you for that?

4 A. Uh-huh. Uh-huh. Yes.

5 Q. Is that a "yes"?

6 A. Yes. Yes.

7 MR. DIEGUEZ: He means the corporation.

8 THE WITNESS: Sure.

9 BY MR. ELLIS:

10 Q. So One Way Hauling is a motor carrier engaged
11 in the transportation of goods for compensation?

12 A. Correct.

13 Q. That's what it means to be for-hire.

14 A. Okay. Got it.

15 Q. So in 2014, One Way Hauling was a for-hire
16 corporation?

17 A. Yes.

18 Q. In 2015, One Way was a for-hire transportation
19 company?

20 A. Yes.

21 Q. Or transportation motor carrier.

22 A. Uh-huh.

23 Q. 2016, for-hire transportation motor carrier?

24 A. Yes.

25 Q. And I know this is redundant. 2017,

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1 transportation for-hire?

2 A. Yes.

3 Q. 2018 One Way is a for-hire motor carrier?

4 A. Yes.

5 Q. 2019, One Way Hauling is a for-hire motor
6 carrier?

7 A. Yes.

8 Q. All the way up until today?

9 A. Correct. To this date.

10 Q. To this date.

11 On July 16th, 2019, One Way Hauling was a
12 for-hire motor carrier?

13 A. Yes.

14 Q. Now I'm going to go to the 2019 tax records.

15 MR. DIEGUEZ: He's got it.

16 MR. ELLIS: No, he's got the --

17 MR. DIEGUEZ: Oh.

18 MR. ELLIS: Somebody's getting a call. Do we
19 need to take a break real quick? Not that it's
20 bothering me, but they're really --

21 MR. DIEGUEZ: No. It's okay. My process
22 server is telling me we got somebody.

23 MR. ELLIS: Well, that's extremely important.

24 BY MR. ELLIS:

25 Q. All right. Mr. Calzada, I'm going to hand you

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1 MR. DIEGUEZ: It's Number 7.

2 MR. ELLIS: Thank you.

3 BY MR. ELLIS:

4 Q. I want to show you again Exhibit 7 to your
5 mom's deposition. I've turned the page to a specific
6 W-9.

7 A. Uh-huh.

8 Q. There is a Mr. Loyola there.

9 Do you see that W-9?

10 A. Yes, uh-huh.

11 Q. So, in 2019, Mr. Loyola would have worked for
12 One Way Hauling?

13 A. Yes.

14 Q. And he would -- would that have been as a truck
15 driver for One Way Hauling?

16 A. Yes, uh-huh.

17 MR. ELLIS: We're at 19; is that right?

18 MR. DIEGUEZ: 19 is Number 7.

19 MR. ELLIS: No, no, no. We're at Exhibit 19.

20 MR. DIEGUEZ: We marked it already.

21 MR. ELLIS: No, it's right here.

22 MR. DIEGUEZ: That's 19.

23 You're going to mark it now?

24 MR. ELLIS: No, I'm going to pass it over.

25 Melody, I'm producing what I've marked Number

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1 19. This is a ledger that we gave in discovery
2 yesterday.

3 (Defendants' Exhibit Number 19, Ledger, was
4 marked for Identification.)

5 BY MR. ELLIS:

6 Q. Mr. Calzada, when drivers would get paid, did
7 your dad -- would your dad make a ledger of the payments
8 to the drivers; do you know?

9 A. So if he would keep track of each payment?

10 Q. Yes.

11 A. Yes, uh-huh.

12 Q. Okay. And this is a ledger that's labeled as
13 One Way Hauling for Mr. Isidro Lobaina Loyola.

14 Do you see that?

15 A. Would that be --

16 Q. The Number 19, yes, sir.

17 A. Okay.

18 MR. DIEGUEZ: In the bottom.

19 BY MR. ELLIS:

20 Q. That's what this document is; right?

21 A. Yes.

22 Q. It's a payment ledger?

23 A. Yeah.

24 Q. And then looking at the very last entry, it has
25 "check" and then it has a date.

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1 Do you see that?

2 A. Yes.

3 Q. Can you tell me the date that you see, the very
4 last entry?

5 A. July 15, 2019.

6 Q. So the day before this wreck, Mr. Loyola was
7 getting a paycheck from One Way Hauling?

8 A. Yes, uh-huh.

9 Q. Okay. And if I may have that back just real
10 quick.

11 So -- no, no, the tax return, please.

12 A. Oh, sorry.

13 Q. I've got one more to ask you about.

14 MR. DIEGUEZ: So you want him to leave this one
15 for now?

16 MR. ELLIS: Yeah, that's going to be -- you can
17 put that back up here now.

18 BY MR. ELLIS:

19 Q. Do you know if Mr. Loyola got paid for the
20 portion of the route that he ran at the time of the
21 wreck?

22 A. No.

23 Q. Okay. Well, under oath, he testified that he
24 never got paid.

25 A. Okay.

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1 Q. No?

2 A. No. That's not my mother's signature.

3 Q. That's not your mom's signature?

4 A. No.

5 Q. Okay. Are you aware of a lease between King's
6 Way and One Way regarding trucks?

7 A. No.

8 Q. If you look on the lease agreement there --

9 A. Uh-huh.

10 Q. -- on Number 11, you see the 2014 Freightliner?

11 A. Yeah.

12 Q. All right. You see the VIN number?

13 A. Yes.

14 Q. Okay. I want you to compare that VIN number to
15 the VIN number in Document 2, which is the crash report.
16 Right there. Perfect.

17 And if you need help of me pointing it out, I
18 can do that for you.

19 A. Yeah, I see here the VIN.

20 Q. And then compare it to that 2014.

21 A. Same VIN number.

22 Q. Yes. It's the same VIN number?

23 A. Correct.

24 Q. Same truck?

25 A. Uh-huh.

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1 Q. Is that a "yes"?

2 A. Yes. 2014.

3 Q. Okay. So do you know if -- who would I need to
4 ask about the lease -- that lease agreement in Number
5 11 --

6 THE WITNESS: Oh, it's right here.

7 BY MR. ELLIS:

8 Q. Okay. So my question again, who would I need
9 to ask about Document 11 for the lease agreement?

10 A. My father, yeah.

11 Q. Mr. Calzada, does your father keep the trucking
12 records -- business records for One Way at a certain
13 place -- that's a terrible question.

14 Do you know where your dad keeps the records
15 for One Way Hauling?

16 A. No.

17 Q. When you book the load --

18 A. Uh-huh.

19 Q. Okay. I'm going to back up.

20 In 2019, when you booked the load through

21 DAT --

22 A. Correct.

23 Q. I assume that's some kind of a board that you
24 go to?

25 A. Yes.

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1 Q. You put in the bid?

2 A. It's not so much you put in a bid. It's the
3 load is posted.

4 Q. Right.

5 A. All the information you need, so how much you
6 pay, where is it going, any instructions that they give.

7 Q. Uh-huh.

8 A. Just posted up there. It would never be a bid.

9 Q. Okay. So it's a load from Miami to
10 Gainesville, Florida, \$2,000, has to be there,
11 refrigerated, blah, blah?

12 A. Just like that.

13 Q. We'll pay you two grand, and you would say
14 "accept"?

15 A. Uh-huh.

16 Q. Is that a "yes"?

17 A. Yes.

18 Q. And so it's whoever accepts it fastest?

19 A. Correct. Yeah.

20 MR. DIEGUEZ: I don't know.

21 BY MR. ELLIS:

22 Q. And when you accept the bid, do you get -- is
23 an e-mail generated?

24 A. Yeah. An e-mail is sent to the One Way e-mail
25 that they already have in the file when they look up the

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1 company.

2 Q. Got you.

3 A. Yeah.

4 Q. Now, would your dad go to the DAT load board
5 and do the same thing?

6 A. Yes.

7 Q. Did you watch your dad do that?

8 A. I have. I have watched him do it. He knows.

9 Q. Have you seen him do it for any other company,
10 other than One Way?

11 A. No.

12 Q. You were asked a question about did you know
13 about any other employees in 2019. Obviously, the tax
14 return would show all the employees paid or contractors
15 working for One Way in 2019.

16 A. Uh-huh.

17 Q. Is that a "yes"?

18 A. Yes. But --

19 Q. Go ahead.

20 A. They're not employees at the office.

21 Q. Right.

22 A. Okay.

23 Q. And --

24 MS. DEMASI: Danny, I'm sorry to interrupt.

25 You cut out on that question, so I missed all of it.

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1 MS. DEMASI: You're good.

2 BY MR. ELLIS:

3 Q. In 2019, would your dad be the one to pay the
4 drivers for One Way?

5 A. Yes.

6 Q. In 2019, One Way Hauling did not have -- let
7 me -- I'm assuming something. Let me start anew.

8 Do you understand the process of brokering a
9 load for trucking?

10 A. Yes.

11 Q. Okay. You understand -- do you understand that
12 in 2019 and even today, to broker a load, you have to be
13 registered with the Federal Motor Carrier Safety
14 Administration?

15 A. Yes.

16 Q. One Way Hauling is not registered as a broker;
17 correct?

18 A. Yeah. No, it's not registered as a broker.

19 Q. It's just registered as a for-hire motor
20 carrier, and always has been?

21 A. Correct, yes.

22 MR. ELLIS: All right. I believe I'm going to
23 pass the witness.

24 Thank you so much.

25 THE WITNESS: Thank you.

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1 A. No. No, not very often.

2 Q. Did you know Mr. Loyola?

3 A. I -- yes, I did.

4 Q. Had you dispatched him before?

5 A. I don't remember.

6 Q. And I'm sorry if someone's already asked you
7 this question.

8 A. Yes.

9 Q. What was the name of the other person who was a
10 dispatcher in 2019?

11 A. In 2019, it was Andy. I don't know his last
12 name.

13 Q. When did he leave?

14 A. It was later 2019. Exact date, I don't know,
15 but it was later that year.

16 Q. What company employed Mr. Loyola?

17 A. One Way.

18 MR. ELLIS: I'm going to -- yeah.

19 MR. BRANTLEY: Objection.

20 MS. DEMASI: Yeah. That was a bad question.

21 Let me try that again.

22 BY MS. DEMASI:

23 Q. So do you know if Mr. Loyola was an employee of
24 One Way?

25 A. If he was an employee of One Way?

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1 Q. Yes.

2 A. Yes.

3 Q. But you don't know if he was an employee of any
4 other motor carriers as well; right?

5 A. That is correct.

6 Q. I believe that Mr. Ellis showed you a ledger
7 earlier.

8 Am I understanding correctly that One Way
9 Hauling would make payments to Loyola for loads that
10 were transported?

11 A. Yes.

12 Q. When Mr. Loyola would transport loads, would he
13 be paid after the load was delivered?

14 A. Yes, when the load was complete.

15 Q. So he would not preemptively be paid for loads?

16 A. No.

17 Q. Do you know if he was paid for the load being
18 transported at the time of this accident?

19 A. No.

20 Q. Do you know how he was paid, if it was by the
21 mile or per the load?

22 A. Yes. It's for completing the load. It's
23 always been a fixed rate.

24 Q. Do you know if he received any payment from
25 First Time for the load?

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1 Q. Were you ever asked any questions by Ryder or
2 Old Republic about prior accidents?

3 A. No.

4 Q. Were you ever asked any questions by Ryder or
5 Old Republic about the accident at issue?

6 A. No.

7 Q. Did you ever lie to Ryder or Old Republic about
8 the accident at issue?

9 A. No.

10 Q. Do you know if Ryder or Old Republic ever asked
11 your father about prior accidents?

12 A. I don't remember.

13 Q. Do you know if Ryder or Old Republic ever asked
14 your father about the accident at issue?

15 A. No.

16 Q. Do you know if your father ever lied to Ryder
17 or Old Republic about the accident at issue?

18 A. No.

19 Q. Sorry. No, you don't -- that was a bad
20 question.

21 No, you don't know, or, no, he did not?

22 MS. FIELDS: Object to the form.

23 THE WITNESS: No, he did not.

24 MS. DEMASI: I am going to share my screen. I
25 don't know if this document was made an exhibit in